

REMARKS

This response is directed to the Final Office Action mailed June 6, 2008. The Office Action issued by the Examiner and the citations referred to in the office action have been carefully considered by Applicant.

Claims 43-45, 50, 52-54, 56-59, 61-65, 70, 72-74, 76-79, 81-83, 84-86, 91, 93-95, 97-100, 102-103, 104-106, 111, 113-115, 117-120 and 122-123 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ehret (U.S. Patent No. 6,286,142) in view of Oishi et al. (U.S. Patent Application Publication 2002/0056140). In rejecting each of independent claims 43, 63, 84, and 104, the Examiner asserts that Ehret teaches at column 3, lines 40-50, the limitation “wherein the predetermined frequency is selectable via a programmable converter in the local service module” as Applicant claims.

This paragraph reads as set forth below:

Communications controller 30 also includes a modulating unit 34 that is operable to select and modulate video information from network interface 30 into downstream information signals for transmission onto any one of a plurality of downstream RF channels for appropriate distribution to television sets 100 through respective channel selector and signaling units 50. Downstream information signals include data and video signals, and may be in analog form, digital form, a combination of analog and digital, or may have other signal forms suitable for data and video information transmission.

Nowhere in this paragraph, or in the paragraphs above it or below it, does Ehret indicate that a predetermined frequency is selectable via a programmable converter in the local service module as Applicant claims.

There is no disclosure or suggestion in Ehret that Ehret's controller 30 is programmable or that the controller 30 is a programmable converter. It is respectfully submitted that the Examiner's assertion is therefore without foundation. Therefore the Examiner has failed to establish a prima facie case of obviousness and the rejection should be withdrawn.

The examiner has cited Oishi for allegedly teaching the transmission of a multiplexed channel signal transmitted to a building or home, which includes various types of video signals from analog and digital sources. See Paragraphs [0032] to [0034] of Oishi. Without conceding that Oishi actually does disclose this, Applicants submit that Oishi does NOT teach a predetermined frequency selectable via a programmable converter in the local service module as set forth in the subject claims. Thus the examiner has again failed to set forth a *prima facie* case of obviousness. For these reasons alone the rejection should be withdrawn.

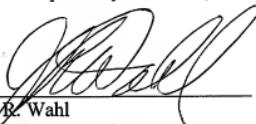
It is further respectfully submitted that neither Margulis, nor Rakib disclose a room interface unit that has a predetermined frequency associated with it that is selectable through a programmable converter in the local service module. Thus it is respectfully submitted that neither Ehreth, Oishi et al, Margulis, nor Rakib disclose a room interface unit as now claimed that has a predetermined frequency associated with it that is selectable through a programmable converter in the local service module. Independent claims 43, 63, 84, and 104 are therefore clearly believed to patentably distinguish over these references, either taken alone or in any combination. Therefore the Examiner has failed to establish a *prima facie* case of obviousness and the rejection should be withdrawn. Accordingly, the examiner is urged to reconsider and withdraw the rejection of these claims.

Since claims 44-62, 64-83, 85-103, and 105-124 depend directly or indirectly from one of independent claims 43, 63, 84 and 104 respectively, and each independent claim has the limitation discussed above, it is respectfully submitted that the additional rejections of the dependent claims fail for at least the same reasons. Therefore the rejection of claims 46-48, 66-68, 87-89, and 107-109 and the rejection of claims 49, 51, 69, 71, 90, 92, 110, and 112, and finally claims 60, 80, 101, and 121 should also be withdrawn.

Claims 43-124 remain pending in the application. In view of the above arguments, Applicant respectfully requests reconsideration of this application and the allowance of all pending claims. It is respectfully submitted that the Examiner's rejections have been successfully traversed and that the application is now in order for allowance. Applicant believes that the Examiner's other arguments not discussed above are moot in light of the above arguments, but reserves the right to later address these arguments. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

No fees are believed to be due with this Response. However, should this not be the case, the Commissioner is authorized to charge any additional fees associated with this filing, or credit any overpayment, to Deposit Account No. 50-2638. If an extension of time is required, this should be considered a petition therefor.

Respectfully submitted,



John R. Wahl
Attorney For Applicant
Registration No. 33,044
1200 17th Street, Suite 2400
Denver, CO 80202
Phone: (303) 685-7460; Fax: (720) 904-6160

Customer Number 33717
GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-7700
Fax: (310) 904-7800
E-mail: laipmail@gtlaw.com